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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,290	06/01/2006	Simon PA Ringland	36-1990	3165

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EXAMINER	
BORSETTI, GREG	
ART UNIT	PAPER NUMBER
4141	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/581,290	RINGLAND ET AL.	
	Examiner	Art Unit	
	GREG A. BORSETTI	4141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/18/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the preliminary amendment filed on 6/1/06.

2. Claims 4-9 and 14-18 have been amended.

3. Claims 1-18 are pending.

Information Disclosure Statement

4. The Information Disclosure Statement (IDS) submitted on 9/18/2006 is not in compliance with the provisions of 37 CFR 1.97.

Patent Document #'s US 20030215065 and GB 2212365 require dates. Correction is required.

NPL documents cannot contain hyperlinks. Correction is needed for those with hyperlinks. Correction is required.

NPL documents "QChat…" and "Push to Talk over…." require months for the date to go with the cited years. Correction is required.

Drawings

5. The drawings filed on 6/1/2006 are accepted by the examiner.

Specification Objections

6. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 15 cites that "the speech recognizer operates only on a portion of the received voice message." The specification defines that only a portion of the voice message is operated upon ***IF*** the name indication is given early on in the message in a preferable embodiment, however it has been disclosed that it may or may not be initially spoken. It is not understood how the recognizer will only operate on a portion of the message if the name is spoken at the end.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 cites a monitoring which is not defined in the specification. For the purposes of examination, monitoring has been interpreted as receiving. Clarification is needed.

9. ***Claim Rejections - 35 USC § 101***

Claim 9 of the claimed invention is directed to non-statutory subject matter. Claim 9 cites a computer program or suite of computer programs that are executed by a computer system to perform the method of claim 1. However, the execution of said program/programs on a system does not tie them to a computer readable storage medium to fulfill the requirements statutory subject matter under 35 USC 101. Correction is needed

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-8 and 9-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Geilhufe et al. (US Patent # 6584439).

As per claim 1, Vysotsky teaches:

- **receiving a voice message containing an utterance**
- [Vysotsky, column 6, lines 33-35] discloses "The customer's speaking is represented by step 314. The speech is ***conveyed to the speech recognizer 126*** via the switch 116 and a T1 link." The speech recognizer receives the voice message. It is known in the art that a microphone is inherent in a telephone service system which provides a means.
- **buffering the received message**
- [Vysotsky, column 4, lines 43-45] discloses an intelligent peripheral 124, which is used to control the switch to place a call in response to speech. "***The intelligent peripheral 124 includes first and second speech recognizer arrays*** 126, 128, an application processor 130, and a database 129." The first and second speech recognizer arrays would inherently have a buffer to temporarily store information while processing the inputted speech signal to compare it with known values in the database.
- **performing a speech recognition process on the received voice message to recognize the utterance contained therein**

- [Vysotsky, column 6, lines 20-23] discloses "upon receiving the speaker dependent templates from the application processor 130, ***the speech recognizer array 126, in step 312, signals its readiness to perform speech recognition***…" The speech recognizer array processes the received message to perform speech recognition, which is known in the art to recognize utterances.

- **determining, if possible, an intended receiver of the message in dependence on the recognized utterance**

- [Vysotsky, column 10, lines 57-63] discloses "using speaker independent speech recognition, the method progresses to step 424 and the call is completed with the customers calls being forwarded to the telephone number in the database 129 associated with the customer's template for the name John." This occurs after the system has detected an input and processed it and further tried to confirm the command.

- **if an intended receiver was determined, transmitting the message**

- [Vysotsky, column 11, lines 30-34] discloses "In the call completion step, ***the destination telephone number associated with the speaker dependent name that was detected is dialed*** and the recording of the name stored in the database 129 is played back to the customer as a confirmation message."

Vysotsky fails to teach,

- **transmitting the message to a determined intended receiver using a half-duplex communications service provided by a packet-switched network, if the intended receiver was determined**

Geilhufe, in analogous art, teaches the above limitations,

- [Geilhufe, column 12, lines 28-30] discloses "Any of these alternatives can include circuit-based systems and packet-based systems, and can include analog and digital systems," which satisfies the packet-switched network limitation. Furthermore, [Geilhufe, column 12, lines 28-30] discloses "***Speaker 303 allows the voice controlled device 102 to respond using speech such as for acknowledging receipt of its name or commands***. For there to be a response, there would inherently be a submission to the determined intended receiver where a half-duplex setup would be obvious to someone of ordinary skill because the devices do not respond while the user is submitting commands.
- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

As per claim 2, claim 1 is incorporated and Vysotsky fails to teach:

- **indicating the one or more possible intended receivers to a user**
- **receiving a selection signal from the user indicating the one or more determined possible intended receivers to which the message should be transmitted**

Geilhufe, in analogous art, teaches the above limitations,

- **indicating the one or more possible intended receivers to a user**

  [Geilhufe, column 9, lines 10-15] discloses "acoustic identification is accomplished by a user saying an identification phrase. An example of an identification phrase is "What is out there?" A voice controlled device may have one or more identification phrases. ***Any voice controlled device that hears its identification phrase responds to identify its presence***." The voice controlled devices indication in Geilhufe respond acoustically to indication which teaches the indication means in the instant application.

- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

- **receiving a selection signal from the user indicating the one or more determined possible intended receivers to which the message should be transmitted** [Geilhufe, column 9, lines 40-42] discloses "***in order to restrict which voice controlled devices respond to an identification phrase***, a user may include a voice controlled device's name in the identification phrase." The device's name identification is a selection signal that teaches the instant application.
- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

As per claim 3, claim 2 is incorporated and Vysotsky teaches:

- **generating an audio speech prompt corresponding to the one or more possible intended receivers**
- [Vysotsky, column 10, lines 48-53] discloses "in step 418, the customer is played a confirmation message, e.g., "Do you wish to forward your calls to John?" where ***the name John is generated by playing back the recording of***

the name associated in the database 129 with the template that was used to identify the name John in the received speech."

- **outputting the generated audio speech prompt to the user**
- [Vysotsky, column 10, lines 48-53] discloses "in step 418, ***the customer is played a confirmation message, e.g., "Do you wish to forward your calls to John?***" where the name John is generated by playing back the recording of the name associated in the database 129 with the template that was used to identify the name John in the received speech."

As per claim 5, claim 1 is incorporated and Vysotsky teaches:

- **wherein the speech recognizer operates only on a portion of the received voice message**
- [Vysotsky, column 7, lines 19-25] discloses "as will be discussed below, a distinctive feature of the present invention is that speaker independent speech recognition of commands are performed in parallel with speaker dependent recognition of names from the individual customer's personal telephone directory. This results in two different speech recognition processes being performed on the same speech simultaneously." This means that two different processes are performing recognition for the name and commands. Thus, for the overall message, each process only operates on a portion of the received message.

As per claim 6, claim 1 is incorporated and Vysotsky teaches:

- **receiving an indication of the identity of a user who generated the message**
- [Vysotsky, column 5, lines 45-50] discloses "the arbiter 254, in turn, is coupled to a call completion and feature activation circuit 256 by a line 257 and ***by a voice verification circuit 255. Using this arrangement, voice verification is performed selectively when, for security purposes, it is important to verify the identity of a caller before responding to a particular command***." A voice identification of the user teaches a means for receiving an indication of the identity of the user in the instant application.
- **grammar selection means for selecting a user-dependent speech grammar for use by the speech recognition process in dependence on the identity of the user**
- [Vysotsky, column 8, lines 31-35] discloses "The ***speaker dependent speech recognition process***, like the speaker independent speech recognition process, ***is based on hidden Markov models (HM) with the use of grammars***." The speaker dependent model is based on grammars where a voice verification ability has been disclosed in [Vysotsky, column 5,lines 45-50]. Thus, there would be a grammar selection means for selecting a user-dependent speech grammar dependent for the specific user if voice verification was performed on the individual.

As per claim 7, claim 1 is incorporated and Vysotsky fails to teach:

- **receiving a speech recognition activation signal from a user, wherein the speech recognition and determining steps are performed in dependence on the receipt of such a signal**

Geilhufe, in analogous art, teaches the above limitations,

- [Geilhufe, column 7, lines 65-67] discloses "in general, unless a voice controlled device is addressed by its appliance name, it will disregard all speech." Thus, unless the name (signal) is provided, the speech recognizer and receiver determination do not perform their specified functions.
- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

As per claim 8, claim 1 is incorporated and Vysotsky teaches:

- **monitoring messages**
- [Vysotsky, column 6, lines 20-23] discloses "upon receiving the speaker dependent templates from the application processor 130, ***the speech recognizer array 126, in step 312, signals its readiness to perform speech***

recognition..." If there is a speech recognizer array, there would be a means for monitoring the messages because in order for the messages to be recognized and "understood" they would have to be monitored and "seen."

- **the speech recognizer being further arranged to perform a speech recognition process on the monitored messages to determine the respective utterances contained therein**
- [Vysotsky, column 6, lines 20-23] discloses "upon receiving the speaker dependent templates from the application processor 130, ***the speech recognizer array 126, in step 312, signals its readiness to perform speech recognition***..." The speech recognizer array processes the received message to perform speech recognition, which is known in the art to recognize utterances.
- **the system further comprising signaling means for signaling that the communications service should cease transporting messages, if it is determined that a predetermined utterance is contained in any of the messages**
- [Vysotsky, column 7, lines 1-7] discloses a list of commands that are viable input. Cancel Call would be a signaling means that signals that messages should stop being sent when it sent within a message.

Vysotsky fails to teach:

- **a half-duplex communications service**

Geilhufe, in analogous art, teaches the above limitations,

- [Geilhufe, column 12, lines 28-30] discloses "***Speaker 303 allows the voice controlled device 102 to respond using speech such as for acknowledging receipt of its name or commands***. For there to be a response, there would inherently be a submission to the determined intended receiver where a half-duplex setup would be obvious to someone of ordinary skill because the devices do not respond while the user is submitting commands.
- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

As per claim 9, claim 1 in incorporated and Vysotsky fails to teach:

- **A computer program or suite of computer programs arranged such that when executed by a computer system it/they cause the computer program to perform the previous methods**

Geilhufe, in analogous art, teaches the above limitations,

- [Geilhufe, column, lines] discloses "***program*** storage for the present invention may be permanent, as with a ROM, non-volatile but changeable, as with a flash, or volatile, as in a RAM, in which case the program could be downloaded

from a non-volatile memory, or from a remote source." Geilhufe teaches a program for the invention that performs its methods which teaches the instant application.

- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

As per claim 10, claim 9 in incorporated and Vysotsky fails to teach:

- **A computer readable storage medium storing a computer program or any one or more of a suite of computer programs**
- [Geilhufe, column, lines] discloses "***program storage for the present invention may be permanent, as with a ROM, non-volatile but changeable, as with a flash, or volatile, as in a RAM, in which case the program could be downloaded from a non-volatile memory, or from a remote source***." Geilhufe teaches a program storage for the invention's programs, which teach the instant application.
- Geilhufe and Vysotsky are analogous art because both teach the determination of specified focuses through voice control means. It would be obvious to

someone of ordinary skill in the art to combine the Geilhufe device with the Vysotsky device because "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices."

Claims 11-13, 15-18 are the system claims for which method claims 1-3, 5-8 correspond respectively. They are rejected under the same grounds because the system must perform the method as stated and further Vysotsky teaches:

- **means for receiving**
- [Vysotsky, column 6, lines 33-35] discloses "The customer's speaking is represented by step 314. The speech is ***conveyed to the speech recognizer 126*** via the switch 116 and a T1 link." The speech recognizer receives the voice message. It is known in the art that a microphone is inherent in a telephone service system which provides a means.
- **storage means for buffering**
- [Vysotsky, column 4, lines 43-45] discloses an intelligent peripheral 124, which is used to control the switch to place a call in response to speech. "***The intelligent peripheral 124 includes first and second speech recognizer arrays*** 126, 128, an application processor 130, and a database 129." The first and second speech recognizer arrays would inherently have a buffer to

temporarily store information while processing the inputted speech signal to compare it with known values in the database.

- **means for transmitting**
- [Vysotsky, column 11, lines 30-34] discloses "In the call completion step, ***the destination telephone number associated with the speaker dependent name that was detected is dialed*** and the recording of the name stored in the database 129 is played back to the customer as a confirmation message." Furthermore, a telephone service system is well known in the art to have a means for transmitting messages.

Claim 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Geilhufe et al. (US Patent # 6584439) and further in view of Dailey. (US Patent # 6449491).

System claim 14 is rejected under the same grounds as method claim 4 because it is the system for which the method is performed.

As per claim 4, claim 1 is incorporated and Vysotsky and Geilhufe fail to teach:

- **when the determining step determines a plurality of intended receivers, the message is transmitted to each of the determined receivers using a group call function of the half-duplex communications service**

Dailey, in analogous art, teach the above limitation,

- [Dailey, column 7, lines 36-42] discloses "according to an aspect of the present invention, receipt of a user input at the PTT device 460 initiates a sequence of operations in which ***a call to a predetermined group of terminals is set up***, all of which may occur without input at the keypad 430. According to other aspects of the present invention, the ***PTT device 460 controls half-duplex communications among terminals in a group call***." This teaches that there is a receiver determination means to determine a plurality of intended receivers in a group call in a half duplex communications service.
- Dailey and Vysotsky are analogous art because Vysotsky can be provided as a improvement over the PTT (push-to-talk) architecture of Dailey with its voice recognition characteristics. It would be obvious to combine Dailey with the Vysotsky device because Dailey provides an improved group call function that reduces "overhead associated with paging multiple terminals." [Dailey, column 3, lines 33-34]

Conclusion

11. Refer to PTO-892, Notice of References Cited for a listing of analogous art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG A. BORSETTI whose telephone number is (571)270-3885. The examiner can normally be reached on Monday - Thursday (8am - 5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg A. Borsetti/
Examiner, Art Unit 4141

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